

IN THE United States District Court
for the Western District of Pennsylvania

United States of America,
v.
Frederick Banks,
Defendant.

FILED

MAY - 1 2014

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

04 CR 176

[~~04 CR 176~~]
[~~04 CR 176~~]

Motion to Correct Clerical

Error; AND Motion to Arrest Judgment; and
to extend time to file/submit for new transcripts to witness

Defendant Frederick Banks ("Banks") moves the Court to
correct a clerical error

1. The Judgment in a Criminal Case for Revocation reflects
Counsel as Patrick Nightingale

2. Defendant represented himself in the District Court Nightingale
was standby counsel. The error in the Judgment should be

corrected and a new Judgment should be filed and served on Defendant.
Defendant also should receive Docket entries 678, 676 since they were not
~~transcribed~~, served on him. Finally, Defendant moves the Court to

order that the transcripts from the bond hearing held on 11/22/2013
be transcribed. Benarrison testified that defendant received the
Petition, the Bond hearing transcript and the initial appearance
transcript which must also be transcribed will show that he
didn't in violation of Fed. Crim. P 32.1 and Fifth Amendment
notice. Defendant also moves to arrest the Judgment of
revocation because of Doc 676 the Court issued an order
consolidating the supplemental revocation petition allegations with the
petition and subsequently the government withdrew the allegations in the
supplement when they did that because the allegations were incorporated by order
the petition of revocation of 10/23/14 (Doc 672) was withdrawn. Also,
Under 18 USC § 1028, 1028A) the identifying document had to be issued
by the USA Cochran's birth date was a state issued identification as was his

license. "a means of identification of another person" in 1028(A) a federal statute relates to a federally issued identification document ~~and~~ or a state issued identification document or means. Given capital never provided the Cochran ID and no birth certificate was used. The government only alleged a birth date which is not an "identification document" under the Statutes. See 18 USC § 1028(b)(1)(A) nor is a Social Security # an "identification document" or Social Security card. Thus, the SS# the government alleged Defendant used did not comport with the statute. See 18 USC § 1028A. Statute that violates "a means of identification of another person" violates 18 USC § 1028A. Also under 18 USC 1028A the section the government relied on there was an attempt perversion and the government charged in the petition an "attempt". See 1028A contrast 18 USC 1028(f) Attempt and conspiracy. Defendant moved the Court to extend the time to make this motion for excusable neglect because he only received the handwritten this week and had no idea before then that the Court ordered consolidation of the petition and supplemental petition. Moreover, the Court lacks subject matter jurisdiction under Rule 12(b) because a means of identification document was never used. Defendant was prejudiced because he spent over \$100 dollars litigating and defending the government allegations financial prejudice. He was lodged into NECC Youngstown, OH and held in a cell in the 14th for over six months without a shower, working toilet or recreation and he was verbally abused by a CI named Anthony Kidd in the employee of CCAIT's department who yelled continuously through his vent and referred to defendant as a "devil worshiper" due to his 'Wicca Religious' beliefs. Also, Co Parada on two occasions confiscated Defendants Wicca candles, tarot cards and tarot cards and Co Serchee and others attempted to convert defendant to Christianity by uttering phrases to him such as "radiance of light" and "we're are going to bring you out of the darkness and into the light" in violation of the First Amendment Free exercise and Establishment Clause. Also, CCA Duff removed the barrel section

of the newspaper before he received it because then knew he liked to read that edition and provide him with a styrofoam cup which was less than half the size of the plastic cups everyone else in the 5th received. Staff refused to provide Defendant with personal addressed so he could contact his friends and family in violation of the First Amendment association clause and invaded and made false entries into his inmate account to disrupt his postage and commissary. Staff also obstructed and delayed his outgoing legal mail which resulted in over 16 civil cases being dismissed for failure to prosecute and most recently Unit Manager Mankowski ordered that while Defendant receives legal mail he can get the mail but not the envelope the Court mailed it in. A practice that was highly discriminatory because it was not applied across the board and ridiculous. Thus Defendant demonstrated actual prejudice. Defendant also moved for a retrial under newly discovered evidence because he never received a copy of the above listed racketeering cases were never served on him and on 10/24/13 ^{DEC 692} he was counsel of record. Also, Defendant moved the Court for the transcript of the initial appearance see rec 679 which will clearly show that Defendant did not receive the petition or supplemental petition in violation of due process and the notice requirement listed in Fed. R. Crim. Proc 32.1. Defendant moves the Court to order the FBI Agent Longford and government to produce and serve on him clear copies of the front and back of each debit card taken from his residence + wallet and a complete list of everything that was taken during the search of his residence. The inventory list he received does not contain the debit card on it which the government stated was taken at the search so what else was taken that they didn't list. The FBI already stole Defendant's Ferrari and did not list it on any inventory a matter which the CIA is investigating presently. Also the cashew account at Grain Forex (see) opened on 9/13/13 and was not changed in the petition, the identity theft was not approved. Wherefore, the foregoing motion should be granted. Defendant also renews the motions listed in DEC 692 as Defendant is counsel of record. The Court should order Defendant immediately released along with all other requested or warranted relief.

An evidentiary hearing should be held. The Court should order the government to respond.

Respectfully submitted;


Frederick Banks

05111068

Att. UCC

2240 Hubbard Road

Youngstown, OH 44508

Defendant

Certificate of Service

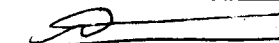
I hereby certify that on 4/26/14 I served a true and correct copy of the foregoing by mail delivery upon the following;

Office of the US Attorney

1000 US Courthouse

700 Grant Street

Pittsburgh, PA 15219


Frederick Banks